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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON WOODS,

Defendant.

2:16-CR-00046-GMN-PAL

**DEFENDANT'S REPLY TO THE  
GOVERNMENT'S RESPONSE IN  
OPPOSITION TO DEFENDANT'S  
MOTION FOR REVOCATION OF  
DETENTION ORDER**

The Defendant, Jason Woods, by and through his attorney, Kristine M. Kuzemka, Esq., hereby files this Reply to the Government's Response in Opposition to Defendant's Motion to Revoke Pretrial Detention Order.

**ARGUMENT**

Pursuant to 18 U.S.C § 3145, the defendant is entitled to file a motion for revocation of the detention order. The Court reviews the detention order de novo, with no deference to the Magistrate Judge's decision. United States v. Koenig, 912 F.2d 1190, 1191 (9<sup>th</sup> Cir. 1990). This Court can review the evidence presented to the magistrate judge and makes its own independent determination. Koenig, 912 F2d at 1193. This Court can also hear additional evidence and argument. Id.

Under the Bail Reform Act, a charge of a violation of Title 18, United States Code, § 924(c), provides a presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required, and the safety of the community. See 18 U.S.C. § 3142e(3)(B). Once the presumption is invoked, the defendant need only produce "some evidence" to rebut it. United States v. Dillon, 938 F.2d 1412, 1416 (1<sup>st</sup> Cir. 1991) (citing United

1 States v. Jessup, 757 F.2d 378, 384 (1<sup>st</sup> Cir. 1985)). After the defendant has rebutted the  
 2 presumption, *the burden of persuasion remains with the Government* [emphasis added]. Dillon,  
 3 938 F.2d at 1416. Mr. Woods has produced significant evidence to rebut the presumption both in  
 4 his extremely limited involvement with Mr. Bundy's 20-year history of defiance of federal court  
 5 orders on April 12, 2014, and zero involvement after April 12, 2014 up to the day of his arrest,  
 6 approximately two years later. Further, his character, personal history, and reputation weigh  
 7 heavily toward granting pre-trial release with stringent conditions.

8 The Government has not justified further pre-trial detention for Mr. Woods in  
 9 consideration of stringent release conditions this Court may impose on Mr. Woods to ensure his  
 10 appearance and to ensure the safety of the community. In addition to the conditions cited in  
 11 Defendant's motion, Mr. Woods' parents, David and Tammy Woods are ready, willing, and able  
 12 to serve as third-party custodians as one of the conditions the Court can impose if Mr. Woods is  
 13 granted pre-trial release.

#### 14 **A. Mr. Woods Does Not Pose a Significant Danger to the Community**

15 In the Government's Opposition, ("Opp.") it claims that Mr. Woods is part of an on-going  
 16 conspiracy because he did not affirmatively withdraw. Opp at p. 7. Mr. Woods' voluntary and  
 17 affirmative withdrawal from the Arizona Militia and zero further involvement with Bundy or any  
 18 of the other co-defendants<sup>1</sup> certainly does work as an affirmative withdrawal from the alleged  
 19 conspiracy and illustrates he is not at all inclined to answer any call to action by Bundy or anyone  
 20 else embroiled in the dispute between Bundy and the Government.

21 The Governments best piece of "evidence" against Mr. Woods in claiming that he has  
 22 never disavowed or expressed regret for his actions at Bundy Ranch in April, 2014 is a Facebook  
 23 posting of his truck with a graphic on the tail-gate (III%) and his license plate that depicts  
 24 (HGHCLBR). On March 24, 2016, at a meet and confer, the Government advised those in  
 25 attendance that it possessed 1.4 Terabytes of data in this matter, which roughly translates to

26 <sup>1</sup> Counsel was informed on March 23, 2016 that co-defendant Micah McGuire was placed in the same cell as Mr.  
 27 Woods at the Nevada Southern Detention Center, (NSDC) in Pahrump, Nevada. Counsel forwarded Power of Attorney  
 28 documents from Mr. Woods' family that had to be notarized for his personal effects and financial responsibilities to be  
 handled. When counsel received the paperwork back from NSDC, counsel observed that Micah McGuire signed the  
 documents as a witness that were then notarized by a staff person at NSDC. This contact and subsequent involvement  
 with Micah McGuire was not at the behest of Mr. Woods.

1 approximately 84,480,000 pages<sup>2</sup> of discovery. Of the approximately 84,480,000 pages of  
 2 discovery, the Government proffers one (1) photograph taken on December 24, 2015 of Mr.  
 3 Woods' truck tail-gate, and claims this is evidence of his belief that it is appropriate to use force  
 4 against federal government officers when he does not agree with the rulings of a court. Opp., pp.5-  
 5 6. Although not clairvoyant, the Government maintains, "He has never disavowed his beliefs,  
 6 beliefs he maintains so strongly that he branded his vehicle with them and publically posted them  
 7 to Facebook for the world to see as recently as a few months ago."<sup>3</sup> Opp. at p. 6. It is a remarkable  
 8 leap for the Government to claim that Mr. Woods' truck graphic and license plate evidence his  
 9 mental impressions, beliefs, and state of mind, such that this photo is evidence that he is a danger  
 10 to the community.

11 In its first Opening Memorandum, the Government asserted as relevant, that one officer  
 12 observed the assault rifle being pointed at him from Woods' general position. Opening  
 13 Memorandum, p. 5, and now in its Opposition, the Government claims this assertion is now  
 14 irrelevant and that even if Woods did not raise his weapon at an officer, "[he] knew what he was  
 15 doing when he took that position – he knew the message he intended to send: you will be shot if  
 16 you take any law enforcement actions to prevent Bundy's Followers from getting the impounded  
 17 cattle." Opening Memorandum p. 7. The photo with Woods in the Memorandum shows him sitting  
 18 in a sand embankment with a long firearm with the muzzle facing downward in the sand. The  
 19 Government cannot claim to know what Woods intended, and cannot presume he was sending a  
 20 message that anyone would be shot if law enforcement acted to prevent Bundy's followers from  
 21 getting the impounded cattle, as stated in its Opp. at p. 7. Mr. Woods never intended to send any  
 22 member of the community, especially law enforcement agents, a message or threat of impending  
 23 violence in any situation or circumstance on April 12, 2014 at the Bundy Ranch incident.

24 ///

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26  
 27 <sup>2</sup> Information from [www.sdsdiscovery.com/resources/data-conversions](http://www.sdsdiscovery.com/resources/data-conversions), provides estimates for the number of pages in  
 a gigabyte (GB) and the number of gigabytes in a terabyte (TB). In 1GB there are approximately 75,000 pages. In 1  
 TB, there are 1,024 GB. The conversion of 1.4 TB into pages is approximately 84,480,000.

28 <sup>3</sup> On April 10<sup>th</sup>, 2016, counsel received communication from Mr. Woods' mother that Mr. Woods directed her to  
 cancel/revoke the "HGHCLBR" license plate on his truck and also to remove the "III%" logo from his truck.

**B. Additional Evidence of Mr. Woods' Character to Be Considered**

On April 3, 2016, Mr. Woods' mother forwarded an email from a co-worker of Mr. Woods to defense counsel. The email is dated April 3, 2016 and was sent in support of Mr. Woods, detailing his work ethic, reputation in the company, and the writer's beliefs as to Mr. Woods' involvement in the April 12, 2014 incident in Nevada. See Attachment A (Email from Mr. Woods' co-worker, dated April 3, 2016).

**CONCLUSION**

For the aforementioned reasons, and those outlined in Mr. Woods' Motion for Revocation of Pretrial Detention Order, Mr. Woods will behave in good faith and will follow any directive and/or orders by the court imposing stringent conditions to both ensure his appearance and to reasonably assure the safety of the community including the law enforcement community. Accordingly, Mr. Woods respectfully requests this Honorable Court grant Defendant's Motion for Revocation of Detention Order issued by Judge Willett and release him with any stringent conditions the Court deems necessary.

DATED this 10<sup>th</sup> day of April, 2016.

Respectfully submitted,

BY: /s/ Kristine M. Kuzemka  
KRISTINE M. KUZEMKA, ESQ.

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***CERTIFICATE OF ELECTRONIC FILING AND SERVICE***

I hereby certify that service of the above entitled DEFENDANT'S REPLY TO THE GOVERNMENT'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR REVOCATION OF DETENTION ORDER was made this 10<sup>th</sup> day of April, 2016, by CM/ECF (Electronic Filing) as follows:

DANIEL G. BOGDEN

United States Attorney

STEVEN MYHRE

First Assistant United States Attorney

NADIA AHMED

Special Assistant United States Attorney

NICHOLAS D. DICKINSON

Assistant United States Attorney

By: /s/ Kristine M. Kuzemka  
Attorney for Defendant

# Attachment

# A

**Kristine Kuzemka**

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**From:** Kristine Kuzemka  
**Sent:** Friday, April 8, 2016 10:23 AM  
**To:** Kristine Kuzemka  
**Subject:** FW: Jason

Email from Tammy Woods re Jason Woods' co-worker email.

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**From:** Terri Cichon []  
**Sent:** Sunday, April 03, 2016 5:45 PM  
**To:** tswr  
**Subject:** Jason

Tammy, I enjoyed working Jason. I was very saddened to learn of his arrest. I have been in Information Technology field for over 20 years and have worked with many desktop technicians and engineers through my career. Jason was the best desktop technician and co-worker I have ever had.

Even though I am located in Fort Worth, Jason and I worked closely together on many projects. The Mesa office and Fort Worth are very similar. Jason was always the first one to jump in and learn new deployments of software, hardware and processes and supported all his co-workers.

One time Jason and I had to set up video conferencing between Mesa and Fort Worth, it was very comprehensive. Jason volunteered to train me. I was stressed and made a comment that learning something new stressed me out. Jason's response was "to me it is not a challenge it is an opportunity to learn something new." That comment as stuck with me for a long time and changed on how I feel about learning something new. As we all know technology is changing everyday so it was nice to have Jason to jump in learn and train all of us. Jason came to Plano Texas to work when we had to move our Plano office to Frisco Texas, he worked tireless and had perfection. I was so happy to meet him in person and work closely with him.

Jason was so dependable, never missed a day of work, never complained, had excellent work ethics, and always stopped what he was doing to help someone. His end users he supported in Mesa loved him. Jason was highly respected at work.

After his arrest and learned what he was arrested for, I believe Jason did not know or have the intent of breaking any law. I believe Jason was just curious with this land stuff and wanted to check it out, not break any law. What they are painted Jason to be is not the Jason I know. I believe he was suckered into something...something horrible. Jason is a law abiding citizen. I am mortified on the picture they are painting of Jason.

We all miss Jason at work, he will be very hard to replace.

If you need any character witness for Jason I will be more than happy to assist.

Terri Cichon  
Desktop Support Technician  
Information Technology - MLS